Preparatory Committee for the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

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DRAFT FINAL REPORT OF THE PREPARATORY COMMITTEE FOR THE 1995 CONFERENCE OF THE PARTIES TO THE TREATY ON THE NON-PROLIFERATION OF NUCLEAR WEAPONS

I. TERMS OF REFERENCE AND ORGANIZATION OF THE COMMITTEE'S WORK

1. At its forty-seventh session, the General Assembly, in resolution 47/52 A of 9 December 1992, took note of the decision of the parties to the Treaty on the Non-Proliferation of Nuclear Weapons, following appropriate consultations, to form a preparatory committee for a conference to review the operation of the Treaty and to decide on its extension, as called for in article X, paragraph 2, and also as provided for in article VIII, paragraph 3, of the Treaty.

2. The General Assembly also noted that the Preparatory Committee would be open to all parties to the Treaty and, if the Preparatory Committee so decided at the outset of its first session, to States not parties, as observers.

3. The Committee held four sessions: the first in New York from 10 to 14 May 1993, the second in New York from 17 to 21 January 1994, the third in Geneva from 12 to 16 September 1994 and the fourth in New York from 23 to 27 January 1995. Progress reports covering the first three sessions of the Committee were issued, respectively, as documents NPT/CONF.1995/PC.I/2, NPT/CONF.1995/PC.II/3 and NPT/CONF.1995/PC.III/15.

4. At its first session, the Preparatory Committee elected Mr. Jan Hoekema (Netherlands) to serve as Chairman of the first session. It also decided that Mr. André Erdös (Hungary) would be Chairman of the second session. The Committee was informed that the Group of Non-Aligned States had nominated Nigeria to serve as Vice-Chairman of the first session and Chairman of a future session. It was further decided that the persons elected, when not serving as Chairmen, would serve as Vice-Chairmen. At its second session the Committee elected Mr. Isaac E. Ayewah (Nigeria) to serve as Chairman of the third session. Further, at its third session the Committee was informed that Mr. Hoekema had been elected to his country's legislative assembly and had been succeeded by Mr. Jaap Ramaker. At its fourth session, the Committee elected Mr. Pasi Patokallio (Finland) to serve as Chairman of that session. The Committee authorized its Bureau and the President-elect to handle technical and other matters in the period before the Conference. Furthermore, the Committee decided that the Chairman of the fourth session should open the Conference.

5. Mr. Prvoslav Davinic, Director, Centre for Disarmament Affairs, represented the Secretary-General of the United Nations, Ms. Silvana F. da Silva, Senior Political Affairs Officer, served as Secretary of the Committee's first session, and Mrs. Hannelore Hoppe, Political Affairs Officer, Centre for Disarmament Affairs, served as Secretary of the second, third and fourth sessions. Mr. Mohamed Elbaradei, Assistant Director General for External Relations, International Atomic Energy Agency (IAEA), Mr. Berhanykun Andemicael, Representative of the Director General of IAEA to the United Nations in New York, Ms. Merle Opelz, Head of the IAEA Office at Geneva, and Ms. Jan Priest, Head, Safeguards and Non-Proliferation Policy Section, Division of External Relations, IAEA, represented the Agency.

6. Delegations of the following 153 parties participated in one or more sessions of the Preparatory Committee:

Afghanistan, Albania, Algeria, Antigua and Barbuda, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, China, Colombia, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, Czech Republic, Democratic People's Republic of Korea, Denmark, Dominica, Dominican Republic, Ecuador, Egypt, El Salvador, Equatorial Guinea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Haiti, Holy See, Honduras, Hungary, Iceland, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Lucia, Samoa, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Seychelles, Sierra Leone, Singapore, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Sweden, Switzerland, Syrian Arab Republic, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Uganda, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, United States of America, Uruguay, Uzbekistan, Venezuela, Viet Nam, Yemen, Zambia and Zimbabwe.

7. At its second session, the Committee decided that representatives of States not parties to the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their countries' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. Accordingly, representatives of the following States not parties to the Treaty attended meetings of the Committee as observers: Argentina, Chile, Cuba, Brazil, Israel, Oman, Pakistan and United Arab Emirates.

8. With regard to the participation of representatives of intergovernmental organizations, the Committee decided, at its third session, that they should be allowed, upon request, to attend as observers the meetings of the Committee other than those designated closed meetings, to be seated in the Committee behind their organizations' nameplates and to receive documents of the Committee. They should also be entitled, at their own expense, to submit documents to the participants in the Committee. The following intergovernmental organizations were represented as observers at meetings of the Committee: Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean (OPANAL), European Community, League of Arab States.

9. Furthermore, the Committee decided at its second session that representatives of non-governmental organizations should be allowed, upon request, to attend the meetings of the Committee other than those designated closed, to be seated in the public gallery, to receive documents of the Committee and, at their own expense, to make written material available to the participants in the Committee. They should also be given an opportunity, during the third session of the Preparatory Committee, to hold a briefing for those interested on the margins of the Committee's deliberations and at no additional expense to the latter. Representatives of 91 non-governmental organizations attended meetings of the Committee.

10. At its second session, the Committee decided to make every effort to adopt its decisions by consensus. In the event that consensus could not be reached, it would then take decisions in accordance with the rules of procedure of the Fourth Review Conference on the NPT.

11. At its first session, the Committee decided that its working languages would be Arabic, Chinese, English, French, Russian and Spanish.

12. In accordance with the Committee's decision at its first session, summary records were provided for the meetings of the fourth session (NPT/CONF.1995/PC.IV/SR.1-...), which are issued as annex I to the present report. 1/

13. The Committee also decided that press releases should be issued at United Nations Headquarters in New York and at the United Nations Office at Geneva at the conclusion of each session of the Preparatory Committee.

14. At the first, second and third sessions of the Committee an exchange of views was held on substantive issues related to the NPT and its 1995 Conference under the item "Other business" of the programme of work. At its second session, the Committee heard presentations by IAEA on the Agency's safeguards system and its technical cooperation activities. At its fourth session the Committee decided to amend the programme of work by adding an item entitled "Exchange of views". The exchange of views at the fourth session is reflected in the summary records (NPT/CONF.1995/PC.IV/SR...).

15. In addition to the background papers prepared by the Secretariat, IAEA, OPANAL and the South Pacific Forum (documents NPT/CONF.1995/PC.III/2-11), a number of documents were submitted by delegations during the Committee's sessions. The list of documents is contained in annex II to the present report.

II. ORGANIZATION OF THE WORK OF THE 1995 CONFERENCE

16. In the course of its sessions, the Committee considered the following questions relating to the organization and work of the Conference:

(a) Dates and venue of the Conference;

(b) Draft rules of procedure of the Conference;

(c) Provisional agenda of the Conference;

(d) Organization of Committees;

(e) Financing of the Conference;

(f) Background documentation for the Conference;

(g) Final document(s) of the Conference.

17. In connection with the discussion of those questions, the following decisions were taken:

(a) Dates and venue of the Conference

At its first session, the Committee decided that the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons would take place in New York from 17 April to 12 May 1995.

(b) Rules of procedure

At its second, third and fourth sessions, the Committee considered in depth the draft rules of procedure for the Conference and established an informal working group for that purpose. At its fourth session, the Committee ...

(c) Agenda for the Conference

At its fourth session, the Committee ...

(d) Organization of Committees

The Committee ...

(e) Financing of the Conference

At its fourth session, the Committee decided to accept the revised estimated costs statement prepared by the Secretariat on the estimated cost of the 1995 Conference, including the sessions of the Preparatory Committee, contained in document NPT/CONF.1995/PC.IV/2. The Committee agreed to the schedule of division of costs contained in annex III to the present report.

(f) Background documentation

At its second session, the Preparatory Committee decided to invite the Secretary-General to prepare five papers, dealing with the overall implementation of the tenth preambular paragraph of the NPT; articles I and II; article VI; and article VII; and negative and positive security assurances. The papers should cover developments within the United Nations, the Conference on Disarmament and other multilateral and bilateral forums. The Preparatory Committee also invited the Director General of IAEA to prepare comprehensive background documentation on the implementation of articles III, IV and V. It also invited the Secretary General of the Agency for the Prohibition of Nuclear Weapons in Latin America and the Caribbean and the secretariat of the South Pacific Forum to prepare background papers dealing with their respective activities. The Committee requested that the papers be submitted for its third session.

It was also decided that the following general approaches should apply to the proposed papers: all papers must give balanced, objective and factual descriptions of relevant developments, be as short as possible and be easily readable. They must refrain from presenting value judgements. Rather than presenting collections of statements, they should reflect agreements reached, actual unilateral and multilateral measures taken, understandings adopted, formal proposals for agreements made and important political developments directly relevant to any of the foregoing. The papers should focus on the period since the Fourth Review Conference. In order to make them self-contained, references to earlier developments should be included as appropriate.

Specifically:

- The paper on the tenth preambular paragraph (comprehensive nuclear test ban) should reflect developments in the Conference on Disarmament; developments within the framework of the United Nations; the amendment conference for the Treaty Banning Nuclear Weapon Tests in the Atmosphere, in Outer Space and under Water (partial test-ban treaty); and outside developments;

- The paper on articles I and II should draw largely on the relevant discussions and results of the First, Second, Third and Fourth Review Conferences and take account of recent and current developments in the area of nuclear non-proliferation. To the extent necessary, the paper would include cross-references to matters discussed in the paper by IAEA on article III;

- The paper on article VI should cover developments regarding cessation of the nuclear arms race, nuclear disarmament and general and complete disarmament;

- The paper on article VII should deal with the issue of nuclear-weapon-free zones and contain a brief description of the issue of zones of peace;

- The paper on security assurances should deal with both positive and negative security assurances and reflect developments in the Conference on Disarmament, in the United Nations, and proposals within the ambit of the NPT and elsewhere.

In response to the Committee's request made at its second session, a number of background papers were submitted for the third session by the Secretariat of the United Nations, and the secretariats of IAEA, OPANAL, and the South Pacific Forum. At its third session, the Committee requested the respective secretariats to amend the relevant background papers in the light of comments made in the course of the discussions, to update them to take account of current events in conformity with the general approach adopted at the second session and to submit them to the Conference. In that context, the provisional Secretary-General informed the Committee on the status of updating and amending those papers (NPT/CONF.1995/SR...).

(g) Final document(s) of the Conference

The Committee ...

III. OFFICERS OF THE CONFERENCE

18. At its first session, the Committee was informed about two candidatures for the position of President of the 1995 Conference. At its second session, the Committee was informed that Poland, as the candidate of the Eastern European Group of States, was withdrawing in favour of Mr. Jayantha Dhanapala of Sri Lanka, the candidate endorsed by the Movement of Non-Aligned Countries. The gesture by Poland was warmly recognized by a number of States parties, which also expressed the wish that Poland be accorded a significant role at the 1995 Conference. The Committee then unanimously endorsed the candidacy of Mr. Dhanapala for the presidency of the 1995 Conference.

19. At the fourth session, the Committee agreed to recommend as Chairmen of the three Main Committees the following:

Main Committee I Mr. Isaac E. Ayewah (Nigeria)

Main Committee II Mr. André Erdös (Hungary)

Main Committee III Mr. Jaap Ramaker (Netherlands)

20. The Committee also agreed to recommend as Chairman of the Drafting Committee ... and as Chairman of the Credentials Committee ...

IV. APPOINTMENT OF THE SECRETARY-GENERAL OF THE CONFERENCE

21. At its first session, the Committee decided to invite the Secretary-General of the United Nations, in consultation with the members of the Preparatory Committee, to nominate an official to act as provisional Secretary-General of the 1995 Conference of the Parties to the Treaty on the Non-Proliferation of

Nuclear Weapons, a nomination to be confirmed by the Conference itself. At its second session, the Committee was informed that, in response to that request, the Secretary-General of the United Nations, following consultations with the members of the Preparatory Committee, had nominated Mr. Prvoslav Davinic, Centre for Disarmament Affairs, as provisional Secretary-General of the Conference. The Committee took note of that nomination.

V. PARTICIPATION AT THE CONFERENCE

22. The Committee also decided that invitations to States which, in accordance with the decision on participation, were entitled to participate in the Conference, as well as to the Secretary-General of the United Nations, the Director General of IAEA, should be issued by the Chairman of the fourth session of the Preparatory Committee.

VI. ADOPTION OF THE FINAL REPORT

23. The Preparatory Committee adopted its final report at its last meeting, on 27 January 1995.

Notes

1/ To be distributed separately.

ANNEX I

Summary records of the meetings of the fourth session of the Preparatory Committee

[Distributed separately as NPT/CONF.1995/PV.IV/SR. ...]

ANNEX II

List of documents submitted by delegations

NPT/CONF.1995/PC.III/12	Document submitted by Colombia, Egypt, Indonesia, Iran (Islamic Republic of), Mexico, Myanmar and Nigeria
NPT/CONF.1995/PC.III/13	Letter dated 14 September 1994 from the Head of the Delegation of Indonesia addressed to the Chairman of the Preparatory Committee, transmitting a document of the Group of Non-Aligned and Other States on substantive issues
NPT/CONF.1995/PC.III/14	Letter dated 15 September 1994 from the Head of the German delegation, Presidency of the European Union, addressed to the Chairman of the Preparatory Committee, transmitting a document of the European Union on legal aspects in connection with the extension of the NPT
NPT/CONF.1995/PC.IV/3	Letter dated 25 November 1994 from the Permanent Mission of Yemen to the United Nations Office and Other International Organizations at Geneva informing the Preparatory Committee of the position of the Republic of Yemen on the question of the holding of the Conference
NPT/CONF.1995/PC.IV/4	Letter dated 23 January 1995 from the representative of Indonesia addressed to the Chairman of the Preparatory Committee

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